IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 8TH JANUARY 2007 / 18TH PAUSHA 1928

WP(C).No. 18105 of 2005(E)

PETITIONER:

A.K.MUHAMMED AKBAR, KUNIYA,
PAKKAM POST, PANAYIL VILLAGE,
KASARAGOD DISTRICT.

BY ADV. SRI.SUBHASH CYRIAC

RESPONDENTS:
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1. **THE JOINT REGISTRAR,**
   CO-OPERATIVE SOCIETIES, KASARAGOD.

2. **THE ASST. REGISTRAR/ARBITRATOR CUM SALE**
   OFFICER, KASARAGOD DISTRICT CO-OPERATIVE BANK LTD.,
   KASARAGODE.

3. **GENERAL MANAGER,**
   KASARAGOD DISTRICT CO-OPERATIVE BANK LTD.,
   KASARAGOD.

4. **THE BRANCH MANAGER,**
   KASARAGOD DISTRICT CO-OPERATIVE BANK LTD.,
   UDMA(PALAMUKKU), BRANCH, BEKAL P.O.

BY ADV. SRI.T.R.RAMACHANDRAN NAIR,SC,KSD.D.CO-O
SRI. V.G.ARUN S.C.
BY GOVERNMENT PLEADER SMT.R.BINDU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.18105/2005

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE SALE NOTICE DT.20.4.05.

EXT.P2:- COPY OF THE REPRESENTATION FILED BY THE PETITIONER AS REPLY TO EXT.P1.

/TRUE COPY/

tss

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 18105 OF 2005-E

JUDGMENT

The petitioner has approached this Court, challenging Ext.P1 sale notice issued by the sale officer in execution of an award passed by the arbitrator in ARC No.229/2003 dated 28.1.2004. According to him, he was not served with the copy of the award and therefore, he was disabled from filing an appeal. So, this Writ Petition was filed, seeking appropriate reliefs.

2. This Court granted interim stay, relying on the statement of the petitioner. But, it was made clear that he will be mulcted with costs, if the statement is found to be not correct.

3. The respondents 3 and 4 have filed a statement, stating that copy of the award was sent to the petitioner by registered post, as contemplated under Rule 68 of the Co-operative Societies Rules. The petitioner has not filed any reply statement or affidavit, though the respondents filed the above statement as early as on 26.9.2005. So, the statement filed by respondents 3 and 4 has to be taken as true. In the absence of any challenge to the award, the notice issued in execution of the award or the sale proceedings cannot

be challenged by the writ petitioner.

In the result, the Writ Petition is dismissed with costs.

8th January, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/